

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PAYMENT ALLIANCE INTERNATIONAL,

Plaintiff,

-against-

MANUEL FERREIRA,

Defendant.

USDC NY
DOCUMENT
ELECTRONICALLY FILED
10/09/2007
CLERK'S FILE NUMBER: 07-cv-08685-BSJ
W/PLAINTIFF

Index No. 07 CIV 8685 (B.S.J.)

**ORDER TO SHOW
CAUSE WITH TEMPORARY
RESTRAINTS**

WHEREAS, upon the annexed Verified Complaint, the Certificate of Laura Sack, Esq., filed pursuant to Rule 65 of the Federal Rules of Civil Procedure, the Memorandum of Law in Support of Payment Alliance International's ("PAI") Motion for a Temporary Restraining Order and Preliminary and Permanent Injunctive Relief, and upon all of the papers and proceedings heretofore had herein, and for good cause shown it is hereby:

ORDERED, that the Defendant, Manuel Ferreira ("Ferreira") or his attorneys, show cause before this Court on the 10th day of October, 2007 at 3:00 p.m., or as soon thereafter as counsel may be heard, in Courtroom 18B of the United States Courthouse, 500 Pearl Street, New York, New York, why the Court should not enter an order herein for a preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure, pending final determination of this action:

- (a) immediately enjoining Ferreira from working at, or providing services for, Cynergy Data, Inc., or any other competitor of PAI;
- (b) enjoining Ferreira, and his agents, employees or other persons acting on his behalf, or at his direction or in concert with him, from: (i) soliciting any client of PAI, to whom Ferreira provided services or had knowledge of as a result of his employment

with PAI, for the purpose of soliciting the business of that client or inducing or attempting to induce that client to reduce or terminate his, her or its relationship with PAI;

(c) enjoining Ferreira, and his agents, employees or other persons acting on his behalf, or at his direction or in concert with him, from soliciting for employment with Cynergy Data, Inc. any current employee of PAI;

(d) enjoining Ferreira, and his agents, employees or other persons acting on his behalf, or at his direction or in concert with him, from using, disclosing, or transmitting for any purpose any records, documents, or information containing any confidential or proprietary information of PAI, including without limitation information concerning Project COLT, a proprietary software application under development ("COLT");

(e) ordering Ferreira, and his agents, employees or other persons acting on his behalf, or at his direction or in concert with him, to return immediately to PAI all of its property in his possession, including but not limited to any and all documents, records, or other information (electric or hard copy) containing any confidential or proprietary information of PAI , including without limitation information concerning COLT or relating to any client of PAI and to delete any such information stored electronic or computerized records, and to confirm this deletion in writing to counsel for PAI;

(f) ordering such further relief the District Court deems equitable and just,

IT IS FURTHER ORDERED that, pending the return date of this Order to Show Cause, and in compliance with Ferreira's employment agreement, Ferreira shall be temporarily enjoined and restrained from: (i) working at, or providing services for,

Cynergy Data, Inc. or any other competitor of PAI; (ii) contacting any current employees of PAI for the purpose of soliciting them to leave PAI; (iii) retaining, using, or disclosing PAI confidential or proprietary information; and (iv) taking any other action which violates the material terms and conditions of Ferreira's employment agreement with PAI; and

IT IS FURTHER ORDERED that the foregoing temporary restraints shall continue until the further Order of the Court; and

IT IS FURTHERED ORDERED that security pursuant to FRCP 65.1 shall be posted by plaintiff by Oct. 10, 2007 in the amount of \$10,000; and

IT IS FURTHER ORDERED:

~~1.~~ That any objections to the relief requested as of the return date of this Order to Show Cause shall be deemed to have been waived in the event that such objections are not filed with this Court and served upon plaintiff's counsel no later than ___ days prior to the return date of the Order to Show Cause;

~~2.~~ That any responsive reply papers on behalf of plaintiff shall be filed with the District Court and served upon defendant no later than ___ days prior to the return date of this Order to Show Cause;

~~3.~~ That Service of the within Order to Show Cause, Verified

Complaint, and all other supporting documents shall be deemed perfected through simultaneous service upon Ferreira or his counsel, if any, via facsimile and overnight mail, and

~~4.~~ That, in the event Ferreira fails to answer or otherwise move with respect to the Verified Complaint within twenty (20) days after service of same upon

him, default and default judgment may be entered against him for the relief sought in
the Verified Complaint.


Barbara S. Jor
U.S.D.J.

Oct. 9, 2007

U.S. District Judge